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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,217

Applicant(s)

ANDO ET AL.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 10/16/02.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2616

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7-12, 14-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yagi et al. (US 6,404,980).

Regarding claim 1, Yagi discloses and meets the limitations associated with a storage medium comprising:

- a first audio information reproduction unit or {first AIRU}, (met by "first original audio", col. 25, met by such as "audio stream #0", which Audio0 attribute is used to manage the state of audio stream #0 regarding whether the stream has been dubbed or not", thereby defining original or not);
- a second audio information reproduction unit {second AIRU}, having fineness equal or less the first AIRU (met by dubbing a partial or whole of the first with the second),

wherein the second is the same or less in fineness, being any one of less than in length (partial or whole dubbing),

or

Art Unit: 2616

- different sampling frequency (provides a different fineness from one to another);
- different encoding method also reads on a different fineness (based on the encoding method used);
- wherein the first AIRU is composed (after dubbing, with second AIRU audio into, "partial or whole dubbing", "audio stream #0 regarding whether the stream has been dubbed or not");
- management data concerning the second AIRU, is recorded on the medium (met by Audio0 Attribute indicating dubbing, col. 25, lines 59 to col. 26, line 5),
- wherein a reproduction relationship between the audio information and the image information (Fig. 12, "Management information file", having audio and video etc., also see Fig. 20, VOB before and VOB after dubbing) is described in the management information (Figs. 5, 9, 10 etc.....,).

In addition by replacing or dubbing with another the fineness according to col. 25, lines 7-10, the fineness must be either the same or less in bits, since the space is predetermined, therefore, the size or number of bits to dub must be the same or less in view of a specified area to dub.

Claim 2 is considered to be analyzed and discussed with respect to claim 1 and the passages provided, wherein the management information includes specifying image to be displayed, wherein the first can have part or whole of the second (dubbed or partial, based on dubbing).

Claims 7-12 are analyzed and discussed with respect to the claims above, but, further recites text associated with the audio, wherein the text has a relationship with the audio, also and video/image data in the management area deemed met (col. 26, lines 5-59, "video picture as subtitle, textual information or the like");

- further regarding claim 12, which further recites combining first and second audio, thereby generating

Art Unit: 2616

a third, met by view of dubbing a part of the second into the first, thereby producing a third.

Claims 14-17 and 19 are analyzed and discussed with respect to the claims above, wherein the third a combination of the first and second newly forms the first (see partial dubbing which is the first and second combined, referred to as a first with a flag indicating dubbed, in this case a partial dub of second with respect to first, new using the first MI attribute, which also indicates dubbed version, col. 25, lines 54-58 and col. 25, lines 28-30, "partial dubbing", Yagi).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3-6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 6,404,980) as applied above in view of Ueda et al. (US 6,289,102).

Regarding claims 3-5, Yagi fails to disclose,

Art Unit: 2616

- storing Identification information, specific to the medium, claim 3;
- the medium comprises encrypted information and an area for storing information required for decrypting the encrypted information, claim 4;
- an area in which described is a process of performing mutual authentication between the medium and apparatus, claim 5.

Ueda teaches providing an encrypted key (Fig. 22, "Encrypted Disk key", which gets decrypted at 1302, using a master key, used to decrypt other information, to in the end produce an audio video stream to a decoding circuit), which reads on claim 4,

O further, teaches performing authentication between the apparatus and disk (col. 24, lines 47-, "First, at the time of mutual authentication processing at the time of reset and media replacement"), claims 3 and 5.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Yagi by incorporating ID for the medium, claim 3, encrypted information and an area for storing information required for decrypting the encrypted information and an area in which described is a process of performing mutual authentication between the medium and apparatus, claims 4-5, as taught by Ueda, to control reproduction based on authentication w/disk ID and also having protected scrambled data, preventing unauthorized use, as taught by Ueda.

Claim 6 is analyzed and discussed with respect to the claims above, based on the combination as applied fails to address, wherein the audio has a header according to a predetermined method (Fig. 9, in the packet header for audio defines the "coding mode", with 7 bits),

and further fails to disclose, the limitations of:

- a predetermined header is stored in an area not encrypted; and

Art Unit: 2616

- wherein the compressed audio is stored in an encrypted area in a unit.

Ueda further teaches, providing various areas with headers with a flag (having two values 1 or 0), indicating scrambled data or not headers and data and sectors, the header which indicates either encrypted data or not, when the value = 1, the data which can be audio is encrypted (see NON-scrambled sector, comprising scramble flag field = 0, therefore, based on the flags, the header can be in the form of not being encrypted, wherein the data being audio based on the flag can be encrypted or a scrambled sector of audio, associated with a scramble flag field = 1, defining the data is scrambled), (Fig. 11, c, d, e, f), as taught by Ueda.

Therefore it would have been obvious to those skilled in the art, to provide a non-encrypted header to identify to the apparatus upon requested reproduction for example to determine encryption or not processing of stored material with the header flag that is not non-encrypted, or a header code which indicates encrypted or not and to process accordingly, as is obvious in view of Ueda as taught by Ueda, wherein a non-encrypted header informs the system of encryption or not associated with the audio data, as taught by Ueda.

Claim 18 is analyzed and discussed with respect to the claims above.

Allowable Subject Matter

1. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 in combination with independent claim 12, the prior art fails to teach, disclose or fairly suggest claim 12 in combination with the limitations of claim 13, which further recites,

- in a case where the first audio information is reproduced earlier than the second audio information in the third audio information, a recording place for the third management information or third {MI},

Art Unit: 2616

is utilized to be compatible with a recording place for the first MI;

- in a case wherein a summation of the still image information specified in the first {MI} and the still image information specified in the second MI;
 - o exceeds a predetermined value, a total number of still image information specified in the third MI, is reduced to the predetermined value so that a reduced number of the still image information remains, and
 - o information specifying the reduced number of remaining still image information is recorded at a portion corresponding to the first MI, of the third MI; and
 - o information specifying still image information other than the still image information specified in the third MI is recorded at a portion corresponding to the second MI of the third MI.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Art Unit: 2616

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
11/29/04


VINCENT BOCCIO
PRIMARY EXAMINER